

REMARKS

Favorable reconsideration and allowance of the present application is respectfully requested.

Claims 1-32 remain pending in the present application, including independent claims 1, 10, and 19. Independent claim 1, for instance, is directed to an elastomeric article comprising an ultra-thin outer layer that comprises an acrylic-based polymer. The ultra-thin outer layer has a thickness of between about 0.25 and about 8.0 microns. The article also comprises a base polymer layer adjacent and attached to the ultra-thin outer layer. The base polymer comprises an elastomeric material that has been coagulated on the ultra-thin outer layer.

As recited in the present specification, the ultra-thin outer layer may provide good gripping characteristics to an elastomeric article (e.g., glove). The enhanced gripping characteristics may also be achieved without an attendant loss in tactile sensitivity, which may be important in various surgical or manufacturing applications. For example, tactile sensitivity of gloves may be required to properly manipulate tools in a manufacturing or medical application. Similarly, a lack of tactile sensitivity may inhibit the sense of touch, such as preventing a user from feeling tissue abnormalities in a medical application. Thus, the claimed ultra-thin outer layer may impart numerous benefits. (See e.g., Appl. pp. 10-11).

In the Office Action, independent claims 1, 10, and 19 were rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent No. 5,993,923 to Lee. Lee is directed to acrylic-based copolymers that coat and firmly adhere to a surface of a rubber

article. The acrylic-based copolymers are preferably emulsion-based copolymers of at least one reactive low surface energy monomer, at least one alkyl acrylate, and at least one hard monomer. (Col 2, ll. 50-56). In glove manufacturing, such copolymers may be used to provide a mold stripping surface and/or donning properties. (Col 5, ll. 28-30). However, as correctly noted by the Examiner, Lee fails to disclose an elastomeric article that comprises an ultra-thin outer layer having a thickness between about 0.25 and about 8.0 microns.

Nevertheless, it was stated in the Office Action that "the specification does not disclose the criticality of the claimed thickness", and thus, it would have been obvious through routine experimentation to manufacture the ultra-thin layer with the claimed thickness. The motivation for such a modification was said to stem from the fact that "it is well known to one of ordinary skill in the art that a thicker glove layer will provide the wearer with more protection and a thinner glove layer will afford the wearer with increased tactile sensation and dexterity."

However, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to modify Lee in the manner suggested in the Office Action. For example, a typical thickness for the coating of Lee on rubber articles is said to be from about 6 to about 10 mils, which corresponds to about 152 to about 254 microns. (See e.g., Col 10, ll. 29-31 and Col 12, ll. 26-33). To the contrary, the thickness of the claimed ultra-thin gripping layer is between about 0.25 and about 8.0 microns. Thus, the thickness contemplated by Lee is somewhere around 20 to 1000 times greater than the claimed thickness. Such an extensive modification in thickness would not simply

result from routine experimentation, but instead would be a significant departure from the teachings of Lee. One of ordinary skill in the art would not have been motivated to modify the thickness of the coating to such a great extent.

Further, based on the teachings of Lee, it is not certain whether such a substantial modification in thickness would even achieve the desired benefits of Lee. Namely, Lee utilizes an acrylic-based copolymer coating for mold stripping and/or donning. There is simply no indication in Lee that an ultra-thin layer having a thickness between about 0.25 and about 8.0 microns would achieve the desired mold stripping and/or donning characteristics. Clearly, Lee is being interpreted in light of the Applicant's specification, which is improper under 35 U.S.C. §103. Thus, for at least the reasons set forth above, Applicant respectfully submits that independent claims 1, 10, and 19 patentably define over Lee.

Applicant emphasizes that the teachings of the reference must be viewed in its entirety, i.e., as a whole, to sustain a *prima facie* case of obviousness under 35 U.S.C. §103(a). Further, the appropriate test under 35 U.S.C. §103(a) is not whether the differences between the prior art and the claims are obvious, but instead whether the claimed invention as a whole would have been obvious. The differences between a particular claim and the cited reference cannot be viewed in a vacuum. In this case, Applicant respectfully submits that, when properly viewed as a whole, there is simply no motivation to modify the reference in the manner suggested in an attempt to render obvious the present claims. Thus, for at least the reasons set forth above, Applicant

respectfully submits that independent claims 1, 10, and 19 patentably define over the above-cited reference.

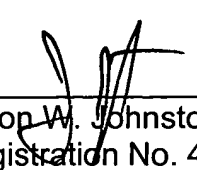
The above-cited reference was also cited alone and in combination with other references to reject dependent claims 2-9, 11-18, and 20-28. Applicant respectfully submits, however, that at least for the reasons indicated above with respect to independent claims 1, 10, and 19, dependent claims 2-9, 11-18, and 20-28 patentably define over the reference(s) cited. However, Applicant also notes that the patentability of dependent claims 2-9, 11-18, and 20-28 does not necessarily hinge on the patentability of independent claims 1, 10, and 19. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of claims 1, 10, and 19.

Thus, Applicant respectfully submits that the present claims patentably define over all of the prior art of record. It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Welch is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this response.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

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